

**AMENDED MINUTES OF THE
ADMINISTRATIVE RULES REVIEW COMMITTEE**
Tuesday, September 21, 2004 – 9:00 a.m. – Room W025 House Building

Members Present:

Sen. Howard A. Stephenson, Senate Chair
Rep. David Ure, House Chair
Sen. Mike Dmitrich
Sen. Michael G. Waddoups
Rep. Judy A. Buffmire
Rep. Greg J. Curtis
Rep. James R. Gowans

Members Excused:

President Al Mansell
Sen. Ed Mayne
Rep. Merlynn T. Newbold

Staff Present:

Mr. Arthur L. Hunsaker, Policy Analyst
Ms. Susan Creager Allred, Associate General Counsel
Ms. Tracey Fredman, Legislative Secretary

Note: A list of others present and a copy of related materials can be found at www.leg.utah.gov or by contacting the committee secretary, Tracey Fredman, at 538-1032. A recording of the meeting is available from the committee secretary.

1. Committee Business

Chair Stephenson called the meeting to order at 9:23 a.m.

- a. MOTION:** Rep. Gowans moved to approve the minutes of the August 3, 2004 and August 24, 2004 meetings. The motion passed unanimously. Rep. Ure was absent for the vote.

b. Tax Commission Audit of Pawn Shop

Sen. Stephenson explained that the Committee voted unanimously in its August 3, 2004 meeting to request that the Tax Commission delay completion of a pawn shop audit until the Legislature addresses the definition of the taxability of a redeemed product in the 2005 General Session. He said that the request was sent by letter to the Tax Commission. Sen. Stephenson said the Tax Commission has sent a written response.

Commissioner Bruce Johnson, Utah Tax Commission, commented on the written response from the Tax Commission to the Committee. He said the Tax Commission would like the audit to be completed as scheduled and suggested that the Committee revise the letter to be a request that the Tax Commission review the Committee's views on the audit.

Committee discussion followed.

Mr. Rob Jolley, Utah Pawn Shops, spoke on behalf of Utah Pawn Shops.

MOTION: Rep. Ure moved to rewrite the letter, suggesting that the Tax Commission consider the concerns of the Committee related to the audit.

SUBSTITUTE MOTION: Rep. Curtis moved that the committee move on to the next agenda item. The motion passed with Rep. Ure and Rep. Buffmire voting against.

3. R595-1 through R595-4, Judicial Conduct Commission Rules

Rep. Ure introduced the issue and asked for the Judicial Conduct Commission's views on the distinction between "misconduct" and "misbehavior."

Mr. Colin Winchester, Executive Director, Judicial Conduct Commission, addressed the Committee. Staff distributed "Footnotes for Opinion, In re Inquiry Concerning Judge Joseph W. Anderson." Mr. Winchester explained that misconduct is defined in statute but misbehavior, as used by the Utah Supreme Court in foot note 5 of the In re Anderson opinion, is a new term. The Commission needed to consider both terms when writing R595-4, Sanctions.

Mr. Jerry Howe, Office of Legislative Research and General Counsel and policy analyst for the Legislature's Judicial Rules Review Committee, spoke at the request of the Committee regarding the wording of the rule.

Committee discussion followed.

4. Committee Business – Future Meetings

Future meetings are scheduled for Monday, October 4, 2004 and Tuesday, October 26, 2004.

5. Adjourn

MOTION: Sen. Waddoups moved to adjourn the meeting. The motion passed unanimously.

Chair Stephenson adjourned meeting at 11:07 a.m.